

Task Description



The Clean Air Act requires that nearly all sources of significant air emissions have a Permit to Operate. Most states require a [Permit to Construct](#) before a Permit to Operate is issued. These permits are required regardless of whether the installation requires a [Title V Permit](#) (covered separately). A Permit to Operate pertains only to stationary, not mobile, sources. Mobile sources are considered "fugitive emissions" and are included in your Air Emission Inventory Report, but do not require a Permit to Operate. Your state or local regulatory agency, however, may require permits for additional stationary sources (beyond those required by Federal regulations) and may require permits for particular mobile sources in the near future.

Your state or local agency generally issues all permits (Permit to Operate, Permit to Construct, and the Title V Permit). Since permit requirements vary from state to state, you must be familiar with state/local permit requirements as well as any EPA requirements that have not been delegated to the state. Information is available at [EPA's Permit Site](#) and from your state or local permit administrator. You should not take everything the state administrator says as the final word as EPA may say otherwise.



Steps

1. For each source identified in your emissions inventory, determine if a Permit to Operate is needed.
2. If a Permit to Operate is required, determine whether the permit exists and is accurate. If a required permit does not exist or is not accurate, apply for or update the permit as needed. Some states require a [Permit to Construct](#) be obtained first.
3. Track and manage these permits (fee payments, renewals, updates, etc.).
4. Ensure that all work practice, operations, monitoring, recording, and reporting requirements specified in the permits are executed and met.



Checklist: Complying with "Permit to Operate" Requirements

Responsibilities

The Air Program Manager is the point of contact for the regulator on all air permit related issues and is responsible for:

Determining whether each source on the installation requires a Permit to Operate.

Applying for permits for sources owned by the Army (the contractor is responsible for applying for permits for contractor-owned sources).

Tracking regulatory and/or source changes to determine whether any permit updates are required.

Renewing permits and initiating/ensuring payment of the permit fees (even those associated with contractor-owned sources on their site). Note: It is often better if you get your paperwork to the regulatory agency directly rather than expecting the Office of Finance to do it. The finance office frequently issues a check from the installation to the state with no explanation so it is up to you to inform the state as to what payments are being sent and why.

Ensuring permit specified work practice, operations, monitoring, recording, and reporting requirements are executed and met.

Other installation staff and contractors are responsible for reporting all potential sources to the air program manager.



Challenges

Having sufficient knowledge of the sources on the installation and the applicable regulations to ensure that all sources that need a permit are indeed correctly permitted.

Ensuring complete and timely applications. The time allowed to submit an application for a Permit to Operate is typically within one year from the date the source began operations, but this can vary by state.

Knowing when it may be worthwhile to negotiate the specific permit requirements with the regulator and how to best do this.



Threats

A notice of violation (NOV). If sources requiring permits are not permitted or permits are not up-to-date or expired, the installation is out of compliance and vulnerable to a NOV. In addition, accurate permits are the basis for tracking and ensuring that operating, monitoring, record keeping, and reporting requirements are met. Therefore, not having accurate operating permits is a significant compliance issue that can contribute to further compliance violations.



Tips

Keep informed of regulatory requirements and impending changes. Maintaining good communications with regulators is important for keeping informed of changes in permit requirements. Regulators and on-line technical assistance resources can also help you keep apprised of impending changes in permit requirements and can help you to address these changes in a timely fashion.

Have a comprehensive and accurate [Air Emissions Inventory Report](#) that covers all existing sources. This is essential to help ensure permit compliance.

Conduct [Informal Field Surveillance](#) to make certain all sources are permitted as required and permit requirements are being met. Also look for things that could be eliminated such as sources that are no longer in operation. This can help you avoid or reverse being subject to a Title V permit.